

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1536 of 1996

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE G.D.KAMAT

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JAYANTIBHAI P PATEL

Versus

STATE OF GUJARAT

Appearance:

MS SUBHADRA G PATEL for Petitioner

PUBLIC PROSECUTOR for Respondent No. 1

CORAM : THE CHIEF JUSTICE G.D.KAMAT

Date of decision: 27/11/96

ORAL JUDGEMENT

Rule. Mr.Pujari, learned APP, waives service of Rule on behalf of the respondents. By consent, to be heard forthwith.

Petitioner prays for his release on furlough based upon Prisons (Bombay Parole and Furlough) Rules, 1959. Petitioner is incarcerated in the Baroda Central Prison pursuant to his conviction under Section 302 and is undergoing sentence of life imprisonment. There is no dispute that his claim for furlough is matured in accordance with the Rules, for two weeks on 28th June, 1996.

It appears that his application for furlough was rejected on the ground that the Appeal preferred by him against his conviction is pending in this Court and, therefore, Government was unable to grant him furlough. A learned single Judge of this Court has already taken a view that the pendency of a criminal appeal in this Court does not come in the way of the Inspector General of Prisons and / or concerned authorities to grant furlough. Accordingly, respondent No.3 is directed to consider the

application of the applicant for furlough in accordance with Rules and on its own merits within one week from today. Rule accordingly is made absolute.

(apj)